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**07 CV 3434**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

**JUDGE KARAS**

-----X  
GUNDYCO ITF EXCALIBUR LIMITED :  
PARTNERSHIP and WHALEHAVEN CAPITAL :  
FUND LTD., :

Civ. No. \_\_\_\_\_

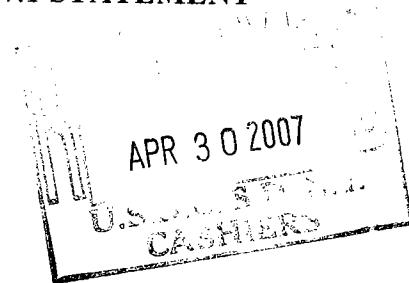
**RULE 7.1 STATEMENT**

Plaintiffs,

-against-

EARTH BIOFUELS, INC.,

Defendant.  
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Pursuant to Federal Rule of Civil Procedure 7.1 and to enable District Judges and Magistrate Judges of the Court to evaluate possible disqualification or recusal, the undersigned counsel for plaintiffs Excalibur Limited Partnership and Whalehaven Capital Fund Ltd, private non-governmental parties, certifies that that there are no corporate parents, affiliates and/or subsidiaries of said defendant that are publicly held.

Dated: New York, New York  
April 30, 2007

HERRICK, FEINSTEIN LLP

By: \_\_\_\_\_

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